

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Dadvis B. Littlejohn,)	Case No. 7:24-cv-04579-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Freightliner Custom Chassis)	
Corporation, Daimler Truck North)	
America LLC, David Varner, Cindy)	
McEachern, James Splawn,)	
)	
Defendants.)	
)	

This matter is before the Court for review. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation (“Report”). On December 10, 2024, Defendants filed a partial motion to dismiss. ECF No. 14. Plaintiff, represented by counsel, did not respond to the motion. On January 8, 2025, the Magistrate Judge issued a Report recommending that Defendant’s motion be granted. ECF No. 16. Plaintiff has not filed objections to the Report and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the

Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Defendants’ partial motion to dismiss [14] is **GRANTED**. Specifically, all three causes of action against McEachern, Splawn, and Varner are dismissed. The third cause of action for civil conspiracy is dismissed as to the remaining Defendants.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

April 10, 2025
Spartanburg, South Carolina